

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE – NORTHERN DIVISION**

DONNIE COLLINS,)
on behalf of himself and all others)
similarly situated)
Plaintiff,) Case No. 3:09-cv-00531 RLJ ccs
v.)
GUITAR CENTER, INC.; and)
NATIONAL ASSOCIATION OF)
MUSIC MERCHANTS, INC.;)
Defendant.)

)

**DEFENDANTS' MOTION FOR EXPEDITED RULING ON THEIR
MOTION FOR EXTENSION OF TIME**

COME NOW Defendants Guitar Center, Inc. (“Guitar Center”) and the National Association of Music Merchants, Inc. (“NAMM”) and pursuant to Local Rule 7.1(a) moves this Court for expedited consideration of and ruling on of their concurrently filed Motion for Extension of Time to Respond to the Complaint, and in support of this Motion, state to the Court as follows:

1. Counsel for NAMM consulted with Mr. Allan McDonald, counsel for the plaintiff Donnie Collins (“Collins” or “Plaintiff”), prior to filing Defendants’ Motion for Extension of Time to Respond to the Complaint. Mr. McDonald indicated that his client will take no position on Defendants’ Motion for Extension of Time to Respond to the Complaint as the plaintiff maintains this court has no jurisdiction over this action. Plaintiff intends to file a motion to remand this action to state court.

2. The time for Defendants to answer, move to dismiss, or otherwise respond to the Complaint currently expires on Monday, January 4, 2010. In their Motion for Extension of Time

to Respond to the Complaint, Defendants have requested that the Court extend the time for Defendants to answer, move to dismiss, or otherwise respond to the Complaint until sixty (60) days after the Court enters an order resolving Plaintiff's anticipated motion to remand.

3. Pursuant to the briefing schedule set forth in Local Rule 7.1(a), briefing on Defendants' Motion for Extension of Time to Respond to the Complaint would not be completed until after the date on which Defendants' response to the Complaint is currently due. Thus, unless the Court considers Defendants' Motion for Extension of Time to Respond to the Complaint on an expedited basis, it is possible that Defendants would be required to respond to the Complaint before the Court decides their Motion for Extension of Time to Respond to the Complaint in the normal course under Local Rule 7.1(a).

4. Plaintiff's counsel has indicated that his client does not intend to take any position on Defendants' Motion for Extension of Time to Respond to the Complaint and will not file an opposition thereto. Defendants therefore respectfully request that the Court rule on Defendants' Motion for Extension of Time to Respond to the Complaint on an expedited basis.

5. As counsel for the Plaintiff has confirmed that the Plaintiff does not intend to oppose Defendants' Motion for Extension of Time to Respond to the Complaint, expedited consideration of and ruling on Defendants' Motion for Extension of time to Respond to the Complaint will not cause any prejudice to Plaintiff.

WHEREFORE, PREMISES CONSIDERED, Defendants' respectfully request that this Court grant this motion and rule on the Motion for Extension of Time to Respond to the Complaint on an expedited basis.

DATED: December 10, 2009

Respectfully submitted,

s/ Randall D. Noel
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Pursuant to ECF Policy and Procedure 6, the undersigned filing party confirms that all signatories have consented to the filing of this document.

s/ Randall D. Noel
RANDALL D. NOEL (#6405)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading has been filed using ECF for distribution via e-mail notification on this 10th day of December, 2009 to the following counsel of record:

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